

47-1-2 Injunction -- Notice to owner of premises.

Whenever a nuisance as defined in this chapter is kept or maintained, or exists, the county attorney or any citizen of the county may maintain an action in equity in the name of the state of Utah, upon the relation of such county attorney or citizen, to perpetually enjoin such nuisance, the person or persons conducting or maintaining the same and the owner or agent of the building or ground upon which it exists; provided, that when the owner or agent is not in the actual possession of the premises he shall have, before an action is brought under this chapter against him or affecting his real estate, notice in writing of the existence and nature of the nuisance, and he shall have a reasonable time after service of such notice in which to abate the nuisance. In such action the court, or a judge thereof, shall upon the presentation of a complaint therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if it shall be made to appear to the satisfaction of the court or judge that such nuisance exists, by evidence in the form of affidavits, depositions, oral testimony or otherwise, as the complainant may elect, unless the court or judge, by previous order, shall have directed the form and manner in which it shall be presented. Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at his instance, the writ as prayed for shall be granted as a matter of course. When an injunction has been granted it shall be binding on the defendant throughout the judicial district in which it was issued, and any violation of the provisions of the injunction herein provided for shall be a contempt as hereinafter provided.

No Change Since 1953